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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,179	12/27/2000	Kuniharu Takayama	0826.1651	2989
21171	7590	10/04/2003		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER DAVIS, TEMICA M	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 10/04/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/748,179

Applicant(s)

Takayama et al.

Examiner

Temica M. Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Dec 27, 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 6) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Peters et al (Peters), U.S. Patent No. 6,397,072.

Regarding claim 1, Peters discloses a service system comprising: a storage device storing pieces of area information and service programs, each piece of area information corresponding to each service program; a communication device receiving position information of a mobile station and service selection information; a selection device retrieving from the storage device a service program specified by the service selection information and area information corresponding to the specified service program; an area decision device making a decision of whether or not a position

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represented by the position information of the mobile station is included in an area represented by the retrieved area information; and an execution device executing the retrieved service program to provide a service to the mobile station when the position is included in the area (col. 7, line 30-col. 8, line 49, col. 9, lines 14-26).

Regarding claim 2, Peters discloses the service system according to claim 1, wherein, when the position is not included in the area, the execution device notifies the mobile station that the mobile station is outside a service area (col. 9, lines 10-22).

Regarding claim 3, Peters discloses the service system according to claim 1, further comprising a user decision device, and wherein the storage device stores pieces of user information each of which corresponds to a service program, the communication device receives user identification information, the selection device retrieves user information corresponding to the specified service program, the user decision device makes a decision of whether or not a user represented by the identification information corresponds to the retrieved user information, and the execution device executes the retrieved service program when the user corresponds to the retrieved user information (col. 7, line 30-col. 8, line 49, col. 9, lines 14-26).

Regarding claim 4, Peters discloses the service system according to claim 1, wherein the communication device receives one of position information sent from the mobile station and position information of a base station which have established communication with the mobile station, as the position information of the mobile station (col. 8, line 50-col. 9, line 26).

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Regarding claim 5, Peters discloses a service system comprising: a storage device storing area information and a service program, the area information corresponding to the service program; a communication device receiving position information of a mobile station; a decision device for making a decision of whether or not a position represented by the position information of the mobile station is included in an area represented by the area information; and an execution device executing the service program corresponding to the area information to provide a service to the mobile station when the position is included in the area (col. 7, line 30-col. 8, line 49, col. 9, lines 14-26).

Regarding claim 6, Peters discloses a mobile station comprising: a communication device transmitting service selection information to a service system which stores pieces of area information and service programs, each piece of area information corresponding to each service program; and a device receiving a service from the service system when the service system receives service selection information and position information of the mobile station, retrieves a service program specified by the service selection information and area information corresponding to the specified service program, makes a decision of whether or not a position represented by the position information of the mobile station is included in an area represented by the retrieved area information, and executes the retrieved service program based on a result indicating that the position is included in the area (col. 7, line 30-col. 8, line 49, col. 9, lines 14-26).

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Regarding claim 7, Peters discloses inherently a computer-readable recording medium recorded with a program for enabling a computer to perform: retrieving a specified service program and area information which is stored corresponding to the specified service program; deciding whether or not a position of a mobile station is included in an area represented by the retrieved area information; and executing the retrieved service program to provide a service to the mobile station when the position is included in the area (col. 7, line 30-col. 8, line 49, col. 9, lines 14-26).

Regarding claim 8, Peters discloses a service method comprising: storing pieces of area information and services, each piece of area information corresponding to each service; deciding whether or not a position of a mobile station is included in an area represented by area information corresponding to a service selected by the mobile station; and providing the selected service to the mobile station when the position is included in the area (col. 7, line 30-col. 8, line 49, col. 9, lines 14-26).

Regarding claim 9, Peters discloses a service system comprising: storage means for storing pieces of area information and service programs, each piece of area information corresponding to each service program; communication means for receiving position information of a mobile station and service selection information; selection means for retrieving from the storage device a service program specified by the service selection information and area information corresponding to the specified service program; area decision means for making a

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decision of whether or not a position represented by the position information of the mobile station is included in an area represented by the retrieved area information; and execution means for executing the retrieved service program to provide a service to the mobile station when the position is included in the area (col. 7, line 30-col. 8, line 49, col. 9, lines 14-26).

Regarding claim 10, Peters discloses a propagation signal for propagating a program to a computer, the program enabling the computer to perform: retrieving a specified service program and area information which is stored corresponding to the specified service program; deciding whether or not a position of a mobile station is included in an area represented by the retrieved area information; and executing the retrieved service program to provide a service to the mobile station when the position is included in the area (col. 7, line 30-col. 8, line 49, col. 9, lines 14-26).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Garceran et al, U.S. Patent No. 6,522,888, discloses a system for determining wireless coverage using location information for a wireless unit.

Kuwahara et al, U.S. Patent No. 6,389,288, discloses a mobile terminal capable of executing location-related services.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Davis whose telephone number is (703) 306-5837. The examiner can normally be reached on Monday-Thursday from 6:45 am to 3:15 pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Sinh Tran, can be reached on (703) 305-4040.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC2600 Customer Service at (703) 306-0377.

**Any response to this communication should be mailed to:**


Commissioner of Patents and Trademarks  
Washington, DC 20231

**Or faxed to:**

(703) 872-9314 (for any communications intended for entry).

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).*

Temica M. Davis  
September 30, 2003

  
**TEMICA M. DAVIS**  
**PATENT EXAMINER**